UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

**Trademark Application** 

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Serial No. : 75/826,810

Filed : October 18, 1999

Published : January 8, 2002

Official Gazette Page : TM 493

Applicant : PBE

Mark : ALTAVIA

## REQUEST FOR FURTHER EXTENSION OF TIME TO FILE OPPOSITION

Pursuant to 15 U.S.C. §1063 (Lanham Act §13) and Trademark Rule 2.102, request is hereby made for a further sixty (60) day extension of time within which a Notice of Opposition may be filed with respect to the above-identified application. This request is made on behalf of the prospective Opposer:

AltaVista Company 1070 Arastradero Road Palo Alto, California 94304

The time within which a Notice of Opposition must be filed presently expires on November 4, 2003. If this request is granted, the time within which the prospective Opposer may file a Notice of Opposition would be extended to and include January 5, 2004.

The prospective Opposer has negotiated a worldwide settlement agreement with the Applicant concerning the subject mark which requires the Applicant to take certain steps with respect to its pending application. Among said steps the Applicant filed a Post-Publication Response in connection with the above-indicated application on August 19, 2003 and awaits a

decision by the Trademark Office. The prospective Opposer is hopeful all of said steps will be concluded within this extension period.

The prospective Opposer has contacted Applicant's counsel and Applicant has assented to this request.

The foregoing request is made in good faith and not for purposes of delay, and is being submitted in triplicate in accordance with Trademark Rule 2.102(d).

Respectfully submitted,

Dated: 27 Oct 2003

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Certificate of Mailing by Express Mail

I hereby certify that this correspondence is being deposited with the United States Postal Services as Express Mail (Label No. EV132952366115

in and envelope addressed to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-

3514, on 10/27/03 (Date of Deposit).

Valua Mander-Signature

Date of Signature

Attorneys for AltaVista Company

Atty Ref: 582-29-2NOTOPP

### **CERTIFICATE OF SERVICE**

This is to certify that one copy of this Request for Further Extension of Time to File Opposition, dated 10/27/03, was mailed on 10/27/03 by first-class mail, postage prepaid to Applicant's counsel in an envelope addressed as follows:

Lawrence E. Abelman Abelman, Frayne & Schwab 150 East 42<sup>nd</sup> Street New York, N.Y. 10017

Laura Marsden

Dated: 10/27/03

TTAB

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# Palmer & Dodge LLP

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October 27, 2003

### VIA EXPRESS MAIL

Commissioner for Trademarks 2900 Crystal Drive Arlington, VA 22202-3514

NO FEE

10-28-2003

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #64

Re: Applicant: PBE

Serial No.: 75/826810

Mark: ALTAVIA

**Our Ref.:** 582-29-2NOTOPP

#### Dear Sir/Madam:

Enclosed on behalf of AltaVista Company please find in **triplicate** a <u>Request For Further Extension of Time to File Opposition</u> with consent requesting further extension to January 5, 2004.

The Certificate of Mailing by Express Mail appears on the signature page of the document.

Would you kindly return the postage-paid postcard to acknowledge your receipt of this document.

Sincerely,

Leslie Y. Arnold

Trademark Consultant

**Enclosures** 

cc: Jill Peterson

Lawrence E. Abelman, Esq.

Lolle Hendrickson

heslie Y. Arnold

F. Andrew Anderson, Esq.